

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HENRY WILLIS,	)	
	)	
Petitioner	)	Civil Action
	)	No. 13-cv-3736
v.	)	
	)	
MICHAEL WENEROWICZ; and	)	
THE DISTRICT ATTORNEY OF	)	
PHILADELPHIA COUNTY,	)	
	)	
Respondents	)	

**O R D E R**

NOW, this 28<sup>th</sup> day of August, 2014, upon consideration of the following documents:

- (1) Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, which petition was filed by petitioner pro se on June 26, 2013,<sup>1</sup> together with a Memorandum of Law;
- (2) Response to Petition for Writ of Habeas Corpus, which response was filed by respondents on December 23, 2013; and
- (3) Report and Recommendation of United States Magistrate Judge M. Faith Angell filed June 13, 2014;

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<sup>1</sup> As correctly noted on page 5 of the within Report and Recommendation, although the within Petition was filed with the Clerk of Court on June 26, 2013, it is treated as having been filed June 17, 2013, the date petitioner signed the petition and presumably delivered it to the prison authorities for mailing, pursuant to the prison mailbox rule. Burns v. Morton, 134 F.3d 109, 113 (3d Cir. 1998); Rule 3(d) of the Rules Governing Section 2254 Habeas Cases in the United States District Courts.

it appearing that no objections have been filed to the Report and Recommendation of Magistrate Judge Angell;<sup>2</sup> it further appearing, after review of this matter, that Magistrate Judge Angell's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Angell's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that the Petition is denied without an evidentiary hearing.

IT IS FURTHER ORDERED that because petitioner has not met statutory requirements to have his case heard, and no reasonable jurist could find this ruling debatable, a certificate of appealability is denied.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER  
James Knoll Gardner  
United States District Judge

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<sup>2</sup> Petitioner received a Notice accompanying the Report and Recommendation stating that petitioner was required to file any objections within fourteen days of service of the Notice and filing of the Report and Recommendation pursuant to Rule 72.1(IV) (b) of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania. The Notice was served, and the Report and Recommendation was filed, on June 13, 2014. Thus, any objections were required to be filed on or before June 27, 2014. Petitioner has not filed any objections as of the date of this Order.